

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 3, 2007

**D048333      Centro Guadalupano Pauma Valley Inc., et al. v. Roman Catholic Bishop of San Diego et al.**

The judgment is affirmed. Defendants are awarded costs on appeal. McConnell, P.J.,  
We Concur: Haller, J., McIntyre, J.

**D049423      People v. Potter**

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Haller, J.

**D050154      People v. Izadseta**

The judgment is affirmed. Huffman, Acting P.J., We Concur: Nares, J., Aaron, J.

**D051715      Beck v. Rodriguez**

Because appellants did not timely pay the filing fee, the appeal is dismissed. (Cal. Rules of Court, rule 8.100( c )(5).)

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**D049382      Toler v. Quigley et al.**

Order affirmed. Benke, Acting P.J.; We Concur: Huffman, J., Nares, J.

**D049593      People v. Zacarias**

The judgment is reversed. Benke, Acting P.J.; We Concur: Nares, J., Aaron, J. CERTIFIED FOR PUBLICATION

**D051220      County of San Diego v. Neto**

The record on appeal in this matter was filed on September 10, 2007, and the appellant's opening brief was due within 30 days. On October 26, 2007, the court returned appellant's opening brief unfiled because the brief did not comply with California Rules of Court, rules 8.200 and 8.204 [service, content and form of briefs.] Appellant was granted 20 days to file and serve a conforming brief. On November 13, 2007, appellant submitted a second nonconforming brief which was not properly served. The court returned the second brief on November 14, 2007, and granted appellant 10 days to file and serve a proper brief. Appellant was advised that if a proper brief were not served and filed within the specified time, the appeal would be dismissed. The brief submitted by appellant dated November 11, 2007, received on November 28, 2007, does not conform to the rules and is not accompanied by a proof of service. The record has been reviewed by Presiding Justice McConnell and Associate Justices Huffman and Irion. The appeal is DISMISSED.

**D050645      In re Clote T., a Minor**

The judgment is affirmed. Benke, Acting P.J.; We Concur: McIntyre, J., Irion, J.

**D049941      Nelson v. Bowers**

Order affirmed. The parties to bear their own costs on appeal. Haller, J.; We Concur: Benke, Acting P.J., Nares, J.

**D048799      Jaffe v. Stieber**

The orders are affirmed. McConnell, P.J.; We Concur: Haller, J., Aaron, J.

**D050591      In re Tyler E., a Juvenile**

The orders are affirmed. Aaron, J.; We Concur: McConnell, P.J., Nares, J.

**D048669      Cheng v. Ellis et al.**

It is ordered that the opinion filed herein on November 30, 2007 be modified as follows: On page 9, in the first paragraph under heading B, on line 5, the words "Cheng's statements" are changed to "Ellis's statements" so the sentence reads: The sole legal argument Cheng presents in his brief on appeal pertains to the trial court's conclusion that Ellis's statements were not defamatory. There is no change in the judgment.

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December 4, 2007 (Continued)

**D051832      Connelly v. Vietnam Veterans of San Diego et al.**

The matter having been considered by Presiding Justice McConnell and Associate Justices Nares and Irion, plaintiff James Connelly's appeal is DISMISSED on the ground it is taken from a nonappealable, interlocutory order. The notice defects that plaintiff asserts he is appealing in his November 19, 2007 letter to the court are not in and of themselves appealable events; they are issues that may be raised on appeal from a final judgment or dismissal order. Dismissal of the appeal is without prejudice to file a notice of appeal from a final judgment entered as to respondents or dismissal order that constitutes a final judgment under Code of Civil Procedure section 581d.

**D052034      Franks v. The Superior Court of San Diego County/Marquez**

The petition for a writ of supersedeas/request for stay, the reporter's transcript of the November 17, 2007, hearing and order after hearing have been read and considered by Justices Huffman, Nares and Irion. The petition and request for stay are DENIED. On the court's own motion, calendar preference is GRANTED. The appeal is EXPEDITED. All procedures are to be accomplished within rule time. No extensions of time will be granted except upon stipulation of the parties or on a strong showing of good cause. The appeal will be placed upon the first available calendar following completion of briefing.

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**D051232      In re Schmitt on Habeas Corpus**

The request for rehearing is denied.

**D051788      Micole M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Micole M. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

**D048708      People v. Levine**

The judgment is affirmed. Haller, J.; We Concur: McConnell, P.J., Huffman, J.

**D050037      In re Carl N., a Juvenile**

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., McDonald, J.

**D050395      People v. Contreras**

The judgment is reversed as to the sentence on count 3 and the matter is remanded for resentencing in a manner consistent with the views expressed in this opinion. In all other respects, the judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Aaron, J.

**D050383      People v. Sanchez**

The judgment is affirmed. McIntyre, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

**D051043      In re Eddie R., a Juvenile**

The judgment is affirmed. Irion, J.; We Concur: McConnell, P.J., Haller, J.

**D049483      People v. Anderson**

The judgment is affirmed. Haller, J.; We Concur: Nares, Acting P.J., McDonald, J.

**D050136      People v. Woodall**

The judgment is affirmed. Haller, J.; We Concur: Huffman, Acting P.J., McDonald, J.

**D051651      In re Christine M., a Juvenile**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rules 8.412(d)(1)(A), and 8.416(g). The appeal is dismissed.

**D050451      In re Matter of Ty R., a Minor**

**D051030      In re Kenneth B. on Habeas Corpus**

The pending petition for writ of habeas corpus, *In re Kenneth B.*, D051030, is consolidated with the pending appeal *In re In the Matter of Ty R.*, D050451, for disposition.

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December 5, 2007 (Continued)

**D050451      In re Matter of Ty R., a Minor**

**D051030      In re Kenneth B. on Habeas Corpus**

(consolidated) The judgment is affirmed. The petition is denied. Nares, Acting P.J.;  
We Concur: Haller, J., McDonald, J.

**D051617      Blase v. Superior Court of San Diego County/Progressive Northwestern  
Insurance Company.**

At the request of petitioner, the petition for writ of mandate is dismissed.

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**D048090      People v. Owen**

The judgment is affirmed. O'Rourke, J.; We Concur: McDonald, Acting P.J., Irion, J.

**D051555      In re Handy on Habeas Corpus**

The petition is denied.

**D050156      People v. Lopez**

The judgment is affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

**D049920      McDaniel v. San Diego County Employees' Retirement Association Board of Retirement**

The judgment is affirmed. The Board is entitled to costs on appeal. McDonald, J.; We Concur: Benke, Acting P.J., Huffman, J.

**D049586      People v. Govan**

The judgment is affirmed. Aaron, J.; We Concur: Haller, Acting P.J., McDonald, J.

**D049732      Prevolos v. Prevolos**

The order is affirmed. Ted is entitled to costs on appeal. McDonald, J.; We Concur: Benke, Acting P.J., Huffman, J.

**D049865      People v. Jackson**

The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Nares, J.

**D049820      People v. Shelor**

Judgment affirmed. Benke, J.; We Concur: McConnell, P.J., Huffman, J.

**D051580      In re Gonzalez on Habeas Corpus**

The petition is denied.

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**D050301      People v. Carignan**

The case is remanded for resentencing. In all other respects, the judgment is affirmed. Irion, J.; We Concur: Haller, Acting P.J., McDonald, J.

**D051941      In re Robinson on Habeas Corpus**

The petition for writ of habeas corpus *In re Robinson* D051941, will be considered at the same time as the pending appeal, *People v. Robinson* D050022.

**D052105      In re Valdez on Habeas Corpus**

The petition is denied.

**D052049      People v. Hendrix**

The proceedings were suspended under Welfare & Institutions Code, section 3051 et seq. The notice of appeal is premature as to SCD206939 because no appealable order or judgment has yet been entered. The appeal is DISMISSED without prejudice.

**D050980      Kobe Holdings, LLC et al. v. Gleeson et al.**

On September 20, 2007, the court granted the motion of counsel of record for Kobe Holdings, LLC, to be relieved and informed Kobe Holdings, LLC, that it may not represent itself on appeal. No notice of substitute counsel has been filed as of this date and the time to file an opening brief has run. The appeal is DISMISSED as to appellant Kobe Holdings, LLC ONLY.

**D050824      In re V.F. et al., Juveniles**

The orders as to Scott F. are reversed. The trial court is directed to hold a hearing to consider and make findings under section 361.2, subdivision (a) in writing or on the record. CERTIFIED FOR PUBLICATION. Irion, J.; We Concur: O'Rourke, Acting P.J., Aaron, J.

**D048364      People v. Saddler**

The imposition of the upper term for the great bodily injury enhancement in count 2 is reversed. In all other respects the judgment is affirmed. Benke, Acting P.J.; We Concur: McIntyre, J., Irion, J.

**D049124      The Wellington Group, LLC v. State of California Department of Transportation**

The judgment is affirmed. Caltrans is entitled to costs on appeal. McConnell, P.J.; We Concur: McIntyre, J., Irion, J.

**D050229      In re Miguel E., a Juvenile**

The judgment is affirmed. Irion, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

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**D050298      People v. Johnson**

**D051195      In re Johnson on Habeas Corpus**

The petition for writ of habeas corpus, In re Johnson D051195, is consolidated with the pending appeal People v. Johnson, D050298, for disposition.

**D050298      People v. Johnson**

**D051195      In re Johnson on Habeas Corpus**

The judgment is affirmed, and the petition for writ of habeas corpus is denied. Aaron, J.; We Concur: McConnell, P.J., Benke, J.

**D049364      People v. Hall**

The judgment is modified by staying the sentences for resisting an officer (count 2) and battery on a peace officer with (count 3). As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward it to the California Department of Corrections and Rehabilitation. McIntyre, J.; We Concur: Nares, Acting P.J., Irion, J.

**D049252      Prentice v. Board of Administration, California Public Employees' Retirement System**

Judgment affirmed. Benke, J.; We Concur: McConnell, P.J., Aaron, J. CERTIFIED FOR PUBLICATION

**D050672      People v. Bugarin, Jr.**

The judgment is affirmed. Haller, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

**D051900      Uybungco v. Superior Court of San Diego County/San Diego Police Department**

The petition is denied.

**D051961      In re Maxwell on Habeas Corpus**

The petition for writ of habeas corpus In re Maxwell D051961, will be considered at the same time as the pending appeal, People v. Maxwell D049189.

**D051695      Alejandra T. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

This court's order of November 27, 2007 is VACATED insofar as it deemed Alejandra T.'s notice of intent to be abandoned and dismissed the case as to Alejandra T. The clerk of this court is directed to file the petition of Alejandra T. received this date. The case remains dismissed as to Richard C.

Real Party in Interest shall have 15 days from the date of this order to file a response to Alejandra T.'s petition for extraordinary writ.



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**D050708      People v. Grisham**

The judgment is affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., O'Rourke, J.